



## CITY OF SAN JOSE, CALIFORNIA

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### SAN JOSE ELECTIONS COMMISSION

Thomas Mertens, Chair  
Fred de Funiak, Vice Chair  
Jang Badhesha  
Steven C. Chell  
April Lin Walsh

### SAN JOSÉ ELECTIONS COMMISSION MEETING MINUTES AUGUST 16, 2006

#### I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:05 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS      Badhesha, Chell, deFuniak, Walsh and  
Chair Mertens

ABSENT:                              None

STAFF PRESENT:                      Evaluator Mike Moye  
Alex Stuart – Consultant  
City Attorney Rick Doyle  
Assistant City Attorney George Rios  
Chief Deputy General Counsel Patty Deignan  
Senior Deputy City Attorney Lisa Herrick  
City Clerk Lee Price  
Clerk Staff Member Michelle Estabillo

#### II CLOSED SESSION

The Commission met in Closed Session to discuss:

##### A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

Name of Case:

1. San Jose Silicon Valley Chamber of Commerce Political Action Committee, et al. v. City of San Jose and San Jose Elections Commission

### III APPROVAL OF MINUTES

A. Minutes of July 12, 2006 were approved.

### IV REPORT OF THE CHAIR

Chair Mertens reported that Commissioner Chell will be resigning from the Elections Commission due to him moving out of the City. Commissioner Chell stated his last day with the Commission would be September 14, 2006.

### V PUBLIC HEARINGS

There were none.

### VI DISCUSSION ITEMS

- A. Verbal Status Report from the Evaluator on the Continued Investigation into the complaint filed May 17, 2006 alleging that the San Jose Chamber of Commerce violated San José Municipal Code ethics regulations. (*Note: No action to be taken*)

Evaluator Mike Moyer provided an update on the investigation. The evaluator stated that Hanson Bridgett Marcus Vlahos Rudy LLP received a request to reconsider from the San Jose Chamber of Commerce as it relates to the Commission findings made on May 31, 2006. Discussion was held about the Chair's ability to issue a subpoena on behalf of the Commission to obtain campaign records from the San Jose Chamber of Commerce. The Commission took no action.

- B. Commission discussion regarding the proposal for public financing of city council and mayoral campaigns in San Jose.

Discussion was held on the concept of hosting a seminar to gather information on the proposal for public financing. Consultant Alex Stuart recommended, as an alternative, that the Commission interview five Councilmembers to get feedback, identify communities that have adopted public financing, gather information about their experiences since implementation, and hold public meetings to get community input. The Commission agreed to interview Councilmembers Campos, Chavez, Nguyen, Reed and Yeager. Consultant Alex Stuart agreed to draft questions for the interviews. He also suggested that reviewing candidate statements would be helpful in determining average number of contributions and donations, who helps raise the money, and how candidates spend their time.

In addition, the Commission agreed it would be important to interview unsuccessful candidates and “nay-sayers” of public financing. They also agreed to gather more information about how other cities who have adopted some form of public financing have dealt with 1) qualifying candidates, 2) designating where the funding comes from, 3) intermediaries, 4) independent expenditures, and 5) expenditure limits.

## VII MEETING SCHEDULE

The next meeting is scheduled for September 20, 2006 at 5:00 p.m.

## VIII PUBLIC COMMENT

Craig Dunkerly from the California Clean Money Campaign had questions regarding the issues surrounding public financing. The Chair asked him to call Chair Mertens for clarification.

Martha Beattie from the League of Women Voters introduced herself to the Commission.

## VII ADJOURNMENT

The meeting was adjourned at 7:26 p.m.

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THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

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LEE PRICE, MMC  
CITY CLERK and SECRETARY TO THE COMMISSION